IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 18363 of 2007(J)

PETITIONER:

E.V.SUNIL KUMAR, S/O. KUNHIRAMAN E.V.,
MAYYAL, POTHAVOOR POST, CHERUVATHUR,
KAYYUR VILLAGE, HOSDURG TALUK, PIN-671 313.

BY ADV. SRI.V.B.HARI NARAYANAN
SMT.M.J.RAJASREE

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.18363 OF 2007

Dated this the 31st day of July, 2007

JUDGMENT

Petitioner is a Physical Education Teacher (High School - Malayalam). He seeks to get the order of his transfer to Government Higher Secondary School, Heroor quashed in this writ petition, since according to him, the said order was issued in violation of the specific direction issued by respondent no.2.

2. Though initially an interim order of stay was granted in favour of the petitioner, later the said order was vacated and petitioner was directed to assume charge at Heroor to which station he was ordered to be shifted. On July 16, 2007 it was reported by the petitioner that he had assumed charge at Heroor on July 12, 2007.

3. Learned counsel submits that an open vacancy is now available in the Government High School, Madicai. He prays that an appropriate direction may be issued to the authority concerned to transfer the petitioner to that station.

Though the above prayer is seemingly innocuous, I am of the view that the petitioner is not entitled to get a transfer to that station immediately.

4. However, it will be open to the department to consider the request, if any, that may be made by the petitioner for a transfer to that station Madicai during the next academic year, if there is no other claimant and if permissible under the rules.

Writ petition is closed.

A.K.BASHEER, JUDGE

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